

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
JOHN DOE,

*Plaintiff,*

-against -

ARCHDIOCESE OF NEW YORK and CHURCH OF  
ST. CLARE OF ASSISI,

*Defendants.*

-----X

To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
BRONX COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 27, 2019

MERSON LAW, PLLC

By:



Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**ARCHDIOCESE OF NEW YORK**  
1011 1st Avenue,  
New York, NY 10022

**CHURCH OF ST. CLARE OF ASSISI**  
1918 Paulding Avenue  
Bronx, New York 10462

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX****Index No.: \_\_\_\_\_/19****JOHN DOE,****-X***Plaintiff,***-against -****VERIFIED  
COMPLAINT****ARCHDIOCESE OF NEW YORK and CHURCH OF  
ST. CLARE OF ASSISI,***Defendants.***-X**

Plaintiff,<sup>1</sup> above named, complaining of the defendants, by **MERSON LAW, PLLC.**, respectfully allege(s):

**NATURE OF THE CLAIM**

1. This is a case of plaintiff JOHN DOE who was sexually abused as a child by Deacon Joseph Weckbach (“Weckbach) at and of the Church of St Clare of Assisi (“St. Clare of Assisi”) and Archdiocese of New York (“Archdiocese”).
2. Weckbach was a deacon at St. Clare of Assisi in Bronx, New York which was part of the Archdiocese. Weckbach was known among the community and the children as a sexual predator.
3. Despite the Archdiocese’s knowledge that Weckbach sexually abused children and/or had the propensity to sexually abuse children, the Archdiocese allowed Weckbach unfettered access to children.
4. Beginning in or about 1982 and continuing until approximately 1983, Weckbach, while under the scope of employment with the Archdiocese and while acting on behalf of the Archdiocese, Weckbach would sexually abuse Mr. Doe, as the Archdiocese prohibits,

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<sup>1</sup> Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

then approximately 12 years old, by kissing him, fondling him, forcing him to engage in mutual masturbation and other forms of sexual abuse.

5. Mr. Doe was sexually abused by Weckbach at least one hundred times.
6. Mr. Doe brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Archdiocese of New York and St. Clare of Assisi and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

#### PARTIES

7. At all times herein mentioned defendant **ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** was located at 1011 1<sup>st</sup> Avenue, New York, New York 10022.
9. At all times herein mentioned, Weckbach was a priest operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
10. At all times herein mentioned, Weckbach was an agent, servant and/or employee of defendant **ARCHDIOCESE OF NEW YORK**.
11. At all times herein mentioned defendant **CHURCH OF ST. CLARE OF ASSISI** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **CHURCH OF ST. CLARE OF ASSISI** was located at 1918 Paulding Avenue, Bronx, New York 10462.

13. At all times herein mentioned, Weckbach was a priest operating under the direction and control of defendant **CHURCH OF ST. CLARE OF ASSISI**, and its agents, servants and/or employees.
14. At all times herein mentioned, Weckbach was an agent, servant and/or employee of defendant **CHURCH OF ST. CLARE OF ASSISI**.
15. At all times herein mentioned, Defendants **ARCHDIOCESE OF NEW YORK** and the **CHURCH OF ST. CLARE OF ASSISI**, were agents, servants, employees and/or alter egos of each other.

#### FACTS OF THE CASE

16. Defendants **ARCHDIOCESE OF NEW YORK**'s and **CHURCH OF ST. CLARE OF ASSISI**'s negligence and recklessness caused Weckbach to have access to children, including on Diocese premises, despite its knowledge that Weckbach sexually abused children and/or had the propensity to sexually abuse children, and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **ARCHDIOCESE OF NEW YORK**'s and **CHURCH OF ST. CLARE OF ASSISI**'s negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Weckbach. Defendant's gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.
17. Weckbach sexually assaulted Mr. Doe and many other young patrons, students and children of St. Clare of Assisi in Bronx, New York. Nonetheless, defendants **ARCHDOCESE OF NEW YORK** and **CHURCH OF ST. CLARE OF ASSISI** failed to remove Weckbach from his position as a deacon or to take any steps to keep the dangerous predator away from children. In fact, the Archdiocese continued to allow, encourage and/or permit Weckbach to have unfettered access to children.

18. In approximately 1982, Weckbach would sexually abuse Mr. Doe at school in the teachers' lounge and classrooms, in the rectory basement of St. Clare of Assisi, at a movie theatre, at a diner, and other places.
19. Weckbach was able to abuse Mr. Doe by manipulating him into being alone with him under the guise that he needed help with tasks and by giving him test answers and higher grades if he complied.
20. When Mr. Doe was approximately twelve years old, Weckbach instructed Mr. Doe to accompany him to the teachers' lounge where he offered Mr. Doe to share his cigarette and kiss him. After kissing, Weckbach forced Mr. Doe to accompany him into the teacher's lounge bathroom to fondle him. After this instance of abuse, Weckbach forced Mr. Doe to kiss him on the lips as a sign of respect, but instructed him that no one else could know about it.
21. On several occasions, Weckbach made Mr. Doe meet him before school hours under the false pretenses of disciplining him for misbehaving in class. When Mr. Doe would arrive, Weckbach would take Mr. Doe out to breakfast and force Mr. Doe to sit next to him at the table in order to fondle Mr. Doe under the table.
22. Frequently, Weckbach called on Mr. Doe to grade papers. On one occasion, Mr. Doe argued with Weckbach about a grade and Weckbach forced himself on Mr. Doe, forcing him to engage in mutual masturbation. After Weckbach ejaculated, he told Mr. Doe "I'll give you the grade you want."
23. Whenever Mr. Doe complied with Weckbach's sexual propositions, Weckbach would provide Mr. Doe with exam answers and Mr. Doe would receive higher grades.
24. Weckbach manipulated Mr. Doe to not disclose his predatory behavior by using his position of authority as a priest as provided by the Archdiocese, providing Mr. Doe with higher grades, and other forms of manipulation.

25. Mr. Doe was unable to disclose the abuse he suffered at the hands of Weckbach because he feared it would bring shame onto his family.
26. As a result of the actions of Weckbach, Mr. Doe felt and continues to feel ashamed and uncomfortable.
27. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **ARCHDIOCESE OF NEW YORK's** and **CHURCH OF ST. CLARE OF ASSISI's** negligence in undertaking a duty, including but not limited to *in locis parentis*, in failing to protect the children of its parishes and of its community safe from Weckbach despite the Archdiocese having knowledge that Weckbach sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Weckbach to continue to have his position of authority and power, and the Diocese failed to adequately supervise Weckbach.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO THE ARCHDIOCESE OF NEW YORK**

28. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 27. inclusive, with the same force and effect as if hereinafter set forth at length.
29. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** owed a duty of care, including but not limited to *in locis parentis*, to keep the young patrons, students and children of its parishes, including plaintiff, safe from sexual abuse by its clergymen under its supervision, including on company premises, and control that ultimately befell the plaintiff, and they had a duty to supervise.
30. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

31. As a result of the negligence of defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiffs were caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
32. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
33. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
35. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS TO CHURCH OF ST. CLARE OF ASSISI**

36. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this Complaint marked and designated 1. Through 35. inclusive, with the same force and effect as if hereinafter set forth at length.
37. At all times mentioned herein, defendant **CHURCH OF ST. CLARE OF ASSISI** owed a duty of care, including but not limited to in locis parentis, to keep the young patrons, students and children of its parishes safe, including plaintiff, from sexual abuse by its clergymen under its supervision, including on company premises, and control that ultimately befell the plaintiff, and they had a duty to supervise.
38. At all times mentioned herein, defendant **CHURCH OF ST. CLARE OF ASSISI** and/or its agents, servants and/or employees breached the above-stated duty in a

negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

39. As a result of the negligence of defendant **CHURCH OF ST. CLARE OF ASSISI** and/or its agents, servants and/or employees, plaintiffs were caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
40. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
41. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
43. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION**

**AS TO THE ARCHDIOCESE OF NEW YORK**

44. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 43. inclusive, with the same force and effect as if hereinafter set forth at length.
45. Defendant **ARCHDIOCESE OF NEW YORK**, had a duty to supervise and prevent known risks of harm to the young patrons, students and children of its parishes, including plaintiff, by its clergymen.
46. Defendant was negligent in hiring, retaining and supervising their personnel, such as Weckbach, who were careless, unskillful, negligent, reckless and acted in a willful and

wanton manner in not possessing the requisite knowledge and skill of deacons and church officials and other church supervisors who should have properly been supervising the deacons and church officials to ensure the safety of the children of its parishes.

47. Defendant **ARCHDIOCESE OF NEW YORK** knew or should have known Weckbach sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
48. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
49. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
50. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
51. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
52. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION**

**AS TO CHURCH OF ST. CLARE OF ASSISI**

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 52. inclusive, with the same force and effect as if hereinafter set forth at length.

54. Defendant **CHURCH OF ST. CLARE OF ASSISI**, had a duty to supervise and prevent known risks of harm to the young patrons, students and children, including plaintiff, of its church by its clergymen.
55. Defendant was negligent in hiring, retaining and supervising their personnel, such as Weckbach, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of deacons and church officials and other church supervisors who should have properly been supervising the deacons and church officials to ensure the safety of the children of its parishes.
56. Defendant **CHURCH OF ST. CLARE OF ASSISI** knew or should have known Weckbach sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
57. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
58. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
59. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
61. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION**  
**OF EMOTIONAL DISTRESS**

**AS TO THE ARCHDIOCESE OF NEW YORK**

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 61. inclusive, with the same force and effect as if herein set forth at length.
63. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Weckbach, the deacon who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
64. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
65. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Weckbach.
66. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Weckbach sexually abusing Plaintiff.
67. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
68. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
69. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

70. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION**

**OF EMOTIONAL DISTRESS**

**AS TO CHURCH OF ST. CLARE OF ASSISI**

71. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 70. inclusive, with the same force and effect as if herein set forth at length.
72. Defendant **CHURCH OF ST. CLARE OF ASSISI** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Weckbach, the deacon who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
73. Defendant **CHURCH OF ST. CLARE OF ASSISI** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
74. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Weckbach.
75. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Weckbach sexually abusing Plaintiff.
76. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
77. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

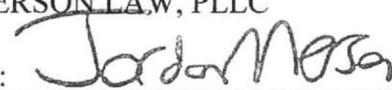
This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 27, 2019

MERSON LAW, PLLC

By:



Jordan K. Merson

Attorney for Plaintiffs  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX****Index No.:**/19**JOHN DOE,****Plaintiff,****-against -****ATTORNEY  
VERIFICATION****ARCHDIOCESE OF NEW YORK and CHURCH OF  
ST. CLARE OF ASSISI,****Defendants.**X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affiant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 27, 2019

  
\_\_\_\_\_  
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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JOHN DOE,

*Plaintiff,*

*- against -*

ARCHDIOCESE OF NEW YORK and CHURCH OF ST  
CLARE OF ASSISI,

*Defendants.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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